

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STYLE STITCH, INC.,

Plaintiff,

-against-

THE AVYAN GROUP, LLC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/28/2023

1:23-cv-10701-MKV

SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Defendant submitted a request for a pre-motion conference on its anticipated motion to dismiss the Plaintiff's complaint (ECF #10). The Plaintiff opposes the request and asks that the case move forward into discovery (ECF #11). After reviewing the arguments set out in the parties' submissions, the motion for a pre-motion conference is DENIED, and defendant is GRANTED leave to file a motion to dismiss on the schedule set forth below.

IT IS FURTHER ORDERED that on or before January 5, 2024, Plaintiff must inform the Court via letter whether it intends to amend its complaint. This will be Plaintiff's last opportunity to amend the complaint in response to arguments raised in the parties' letters.

IT IS FURTHER ORDERED that if the Plaintiff does not amend its complaint, Defendant must file its motion to dismiss on or before January 26, 2024. Further briefing shall be submitted on the schedule set forth in Local Rule 6.1(b).

IT IS FURTHER ORDERED that if the Plaintiff elects to amend its complaint, the amended complaint is due on or before January 26, 2024. Defendant must respond to any amended complaint within 14 days of its filing. In the event Defendant files a new motion to dismiss, the briefing for that motion will be on the schedule set forth in Local Rule 6.1(b).

Any request for an extension or adjournment shall be made by letter filed on ECF and must be received at least 48 hours before the deadline.

The clerk of Court is respectfully requested to terminate docket entry 10.

SO ORDERED.

**Dated: New York, New York
December 28, 2023**

Mary Kay Vyskocil

MARY KAY VYSKOCIL
United States District Judge